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Arizona Corporation Commission

DOCKETED

MAY 0 4 2000

TO:

THE HONORABLE CARL KUNASEK

Chairman, Arizona Corporation Commission

FROM:

CHARLES PIERSON

Chairman, Power Plant & Transmission Line Siting Committee

Assistant Attorney General, Administrative Law Section

DATE:

May 4, 2000

RE:

Power Plant & Transmission Line Siting Committee Case No.99 (Panda Gila

River, L.P.): Amended Certificate of Environmental Compatibility

On April 24, 2000, I signed and transmitted to the Commission the Certificate of Environmental Compatibility (the "CEC") in the captioned case. As I understand it, the Commission has scheduled it for consideration on June 6, 2000.

The CEC contains 10 conditions, which were agreed to by the applicant and by Staff of the Commission; these conditions were contained in Exhibit A-6, which was received in evidence. At the end of the hearing, the Committee voted to grant the CEC with the conditions contained in Exhibit A-6.

It was pointed out to me that in the CEC I had inadvertently shortened condition number 4. Therefore, I have signed an Amended Certificate of Environmental compatibility that contains the complete wording of condition number 4.

Because the mistake so clearly contravenes the vote of the Committee and because it was inadvertent, I have signed the amended CEC nunc pro tunc, which means "now for then." This is why the amended CEC shows that it was granted on April 24, 2000. In my opinion, the amended CEC may still be considered by the Commission on June 6.

I do not consider the backdating of the amended CEC to be a problem in this case. because the change merely correctly reflects what the only two parties to the proceeding had agreed upon. I regret the inconvenience this causes the Commission, but I think it is better to amend it now than to try to unravel the mistake at a later date.

BEFORE THE POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE OF ARIZONA

IN THE MATTER OF THE APPLICATION OF PANDA GILA RIVER, L.P. OR THEIR ASSIGNEE(S), IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES 40-360.03 AND 40-360.06. FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF GAS-FIRED. CYCLE GENERATING PLANT. SWITCHYARD. RELATED AND FACILITIES IN THE TOWN OF GILA BEND, MARICOPA COUNTY, ARIZONA, LOCATED IN SECTIONS 8, 17, 20, AND 21, TOWNSHIP 5 SOUTH, RANGE 4 WEST, GILA AND SALT RIVER BASE AND MERIDIAN.

CASE NO. 99

DOCKET NO. L-00000Q-00-0099

DECISION NO.

AMENDED CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

Pursuant to notice given as provided by law, the Power Plant and Transmission Line Siting Committee of Arizona (the "Committee), held public hearings at the Best Western Executive Park Downtown Hotel, 1100 North Central Avenue, Phoenix, Arizona, on March 30, 2000, in conformance with the requirements of Arizona Revised Statutes § 40-360 et seq., for the purpose of receiving evidence and deliberating on the Application of Panda Gila River, L.P. ("Panda" or the "Applicant") for a Certificate of Environmental Compatibility ("Certificate") in the above-captioned case.

The following members and designees of members of the Committee were present for the deliberations and vote on the Application at the March 30, 2000 hearing:

Charles S. Pierson Chairman, Designee for the Attorney General of Arizona

Steve Olea Designee for the Chairman of the Arizona Corporation Commission

Mark McWhirter Designee for the Director of the Energy Office of the Arizona

Department of Commerce

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10. Applicant shall implement a land management and reclamation plan in accordance with the requirements of the Annexation-Development Agreement to be executed between Applicant and the Town of Gila Bend.

GRANTED this 24th day of April, 2000. Entered nunc pro tunc this 4th day of May, 2000.

THE POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE OF ARIZONA

Charles S. Pierson

Chairman

APPROVED BY ORDER OF THE ARIZONA CORPORATION COMMISSION

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